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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR GUADALUPE LADD,

Defendant and Appellant.

B303730

(Los Angeles County
Super. Ct. No. VA137375)

APPEAL from an order of the Superior Court of Los Angeles County, Debra Cole-Hall, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

In May 2015, defendant Victor Guadalupe Ladd entered a plea of no contest to two counts of second degree burglary (Pen. Code, § 459) and one count of robbery (§ 211), and admitted to personally using a firearm (§ 12022.53, subd. (b)). The trial court sentenced defendant to an aggregate term of 14 years four months in prison, which included 10 years for the firearm enhancement. Defendant did not obtain a certificate of probable cause, and did not appeal his conviction.

On December 11, 2019, defendant filed a motion for resentencing, asking the trial court to resentence him pursuant to “Penal Code 25800; Penal Code 12022.53(b)” and section 12022, subdivision (a)(1). The trial court summarily denied the motion.

We appointed appellate counsel to represent defendant. Appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that he reviewed the record and sent a letter to defendant explaining his evaluation of the record. Counsel further declared that he advised defendant of the right, under *Wende*, to submit a supplemental brief.

Defendant filed a supplemental brief with this court, arguing that he sought resentencing under Senate Bill No. 620 because he was sentenced too harshly, reasoning he used a replica firearm during his offense.

On January 1, 2018, Senate Bill No. 620 (2017-2018 Reg. Sess.) took effect, which amends Penal Code section 12022.53, subdivision (h), to remove the prohibition against striking the gun use enhancements under this and other statutes.

(Stats. 2017, ch. 682, § 2.) The discretion to strike a firearm enhancement under section 12022.53 may be exercised as to any defendant whose conviction is not final as of the effective date of the amendment. (See *People v. Brown* (2012) 54 Cal.4th 314, 323; *In re Estrada* (1965) 63 Cal.2d 740, 742-748.) Here, defendant's sentence was long since final when Senate Bill No. 620 became effective. (See *People v. Vieira* (2005) 35 Cal.4th 264, 305; *People v. Smith* (2015) 234 Cal.App.4th 1460, 1465; see also *Bell v. Maryland* (1964) 378 U.S. 226, 230.)

We have examined the entire record, consisting of one volume of clerk's transcript, and are satisfied that appointed counsel fully complied with his responsibilities and that no arguable appellate issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The order is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.